



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*Mas*

APPLICATION NO. 02/201,659	FILING DATE 02/09/00	FIRST NAMED INVENTOR CHOWDHARY	ATTORNEY DOCKET NO. M ECU530/4-2
-------------------------------	-------------------------	-----------------------------------	-------------------------------------

Stuart J Ford  
Vinson & Elkins LLP  
2300 First City Tower  
1001 Fannin  
Houston TX 77002

IM22/0326

EXAMINER
----------

NESSLER, C

ART UNIT	PAPER NUMBER
----------	--------------

1761

DATE MAILED: 03/26/01

2

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/501,559

Applicant(s)

Chowdhary et al

Examiner

Cynthia L. Nessler

Group Art Unit

1761



X Responsive to communication(s) filed on Feb 9, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

X Claim(s) 1-40 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

X Claims 1-40 are subject to restriction or election requirement.

## Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All ☐ Some\* ☐ None ☐ of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1761

This application contains claims directed to the following patentably distinct species of the claimed invention:

I. Embodiments in which the guar gum splits/plant seed endosperms are chemically modified.

II. Embodiments in which the guar gum splits/plant seed endosperms are genetically modified.

**If either species I or species II has been elected**, each species is further directed to the following patentably distinct subspecies of the claimed invention:

- A. Drilling fluid
- B. Fracturing fluid
- C. Animal litter
- D. Explosive
- E. Foodstuff
- F. Paperstock
- G. Floor covering
- H. Synthetic fuel briquettes
- I. Water thickener for firefighting
- J. Shampoo
- K. Personal care lotion
- L. Household cleaner

Art Unit: 1761

- M. Catalytic converter catalyst
- N. Electroplating solution
- O. Diapers
- P. Sanitary towels
- Q. Super-absorbent in food packaging
- R. Sticking plasters for skin abrasions
- S. Water-absorbing bandages
- T. Foliar spray for plants
- U. Suspension for spraying plant seeds
- V. Suspension for spraying plant nutrients
- W. Flotation aid
- X. Flocculent

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species and a single disclosed subspecies for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 6-30, 33-37, and 40 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species and the subspecies that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is

Art Unit: 1761

allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L. Nessler whose telephone number is (703) 308-3843.

*Cynthia L. Nessler*  
Cynthia L. Nessler  
Patent Examiner  
March 22, 2001

cn

March 25, 2001